



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Water Company



Artesian Wastewater Management



Artesian Utility Development



Artesian Water Pennsylvania



Artesian Water Maryland



Artesian Wastewater Maryland

Via DelaFile

April 20, 2016

Ms. Donna L. Nickerson, Secretary  
Delaware Public Service Commission  
861 Silver Lake Boulevard  
Cannon Building, Suite 100  
Dover, Delaware 19904

Dear Ms. Nickerson:

RE: Artesian Water Company, Inc. CPCN Application- Schwartz

Enclosed please find a CPCN Application filed on behalf of Artesian Water Company, Inc. to provide water service to 1 parcel located in Sussex County owned by Dana Schwartz. AWC paid the required \$300 application fee electronically through the Commission's electronic portal *Delafile*.

Please feel free to contact me at (302) 453-6995 should you have any questions regarding this application.

Sincerely,

A handwritten signature in blue ink that reads "David L. Valcarengi".

David L. Valcarengi  
Manager of Rates and Regulation

cc: John Barndt, DNREC, Division of Water Resources- via email  
Grover Ingle, Delaware State Fire Marshall's Office  
Constance Holland, Delaware Office of State Planning  
John Ashman, Sussex County Engineering Department  
Edward Hallock, Delaware Department of Health  
David Bonar, Delaware Division of the Public Advocate

**BEFORE THE DELAWARE PUBLIC SERVICE COMMISSION**  
**APPLICATION FOR A**  
**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

This application is filed consistent with the requirements of Delaware Code 26 Del. C. §203C.

Type of Utility Service:       **Water Service**

**I. APPLICANT INFORMATION**

A).       Full legal name and address of Applicant:

**ARTESIAN WATER COMPANY, INC. ("AWC")**  
**664 CHURCHMANS ROAD**  
**NEWARK, DE 19702**

B).       Utility Contact:

**DAVID L. VALCARENGHI**

C).       Phone No.:

**(302) 453-6995**

D).       Fax No.:

**(302) 369-4041**

E).       Email:

**dvalcarenghi@artesianwater.com**

**II. BASIS FOR APPLICATION**

- A.   The Applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government. (26 Del. C. § 203C (e) (1) (b) (1)).
- X   B.   The Applicant has one or more petitions requesting water service from the applicant executed by the landowners of record of each parcel or property to be encompassed within the proposed territory to be served. (26 Del. C. § 203C (e) (1) (b) (2)).
- C.   The Applicant, in the case of existing development, subdivision, or generally recognized unincorporated community has one or more petitions requesting water service from the applicant executed by the landowners of record of parcels and properties that constitute a majority of the parcels or properties in the existing development, subdivision, or unincorporated community. (26 Del. C. § 203C (e) (1) (b) (3)).
- D.   The Applicant possess a certified copy of a resolution or ordinance from the governing body of a municipality that requests, directs, or authorizes the applicant to provide water services to the proposed territory to be

served, which must be located within the boundary of such county and municipality. (26 Del. C. § 203C((e)(1)(b)(4))

### **III. PROCEDURE**

- A. Artesian Water Company, Inc. (AWC) requests that this application be reviewed pursuant to an informal fact finding procedure.

### **IV. PETITIONS FOR UTILITY SERVICE**

- A. Customer Petitions requesting Service- Exhibit A
- B. Customer Notifications of CPCN Application- Exhibit B
- C. Proposed Parcels Included in CPCN- Exhibit C
- D. AWC Certification of Information Accuracy- Exhibit D

### **V. IDENTIFICATION OF PARCELS**

- A. The application includes one parcel located in the Falcon Crest community in Sussex County, Delaware and identified by Sussex County tax id No. 234-10.00-133.00.
- B. Water service will be provided through the extension of an existing main located on Beaver Dam Road. The Company anticipates furnishing water service to the parcel within 30 days of receiving approval to provide water service to the parcel.
- C. A map showing the location of the parcel is provided in Exhibit C.

### **VI. FINANCIAL AND OPERATIONAL CAPABILITIES**


- A. Complete details of the Company are on file with the Commission, including information on Company's finances, and operational and managerial capabilities. A number of reports are on file with the Commission that detail AWC's financial and operational performance.
- B. AWC has been in the business of providing a safe, secure, reliable water supply for customers for over 100 years.
- C. AWC is an affiliate of Artesian Resources Corporation ("ARC"). Information that details the organizational structure of ARC and affiliates is on file with the Commission.
- D. AWC currently serves approximately 81,600 customers throughout the state of Delaware.

- E. AWC facilities are operated by fully licensed operators that have operated in full compliance with applicable federal and state rules, regulations, and laws.
- F. AWC provides water service at all times to present customers of at least the minimum water pressure threshold of 25 pounds. AWC states that it will provide service to the parcel that meet or exceed the water pressure guidelines.
- G. AWC provides superior service and is not subject to any orders from the Commission that found that the Company materially failed to provide adequate or proper safe water services to existing customers.
- H. AWC is not subject to a ruling, decision or finding from DNREC or any other regulatory authority that found the Company materially failed to comply with applicable safe drinking water or water quality standards.

## **VII. OTHER**

- A. AWC's CPCN Application is fully consistent with prior Commission decisions.
- B. This CPCN has been forwarded, for informational purposes, to the following parties:
  - 1. John Barndt, DNREC, Division of Water Resources- via email
  - 2. Grover Ingle, Delaware State Fire Marshall's Office
  - 3. Constance Holland, Delaware Office of State Planning
  - 4. John Ashman, Sussex County Engineering Department
  - 5. Edward Hallock, Delaware Department of Public Health
  - 6. David Bonar, Delaware Division of the Public Advocate

Respectfully Submitted,



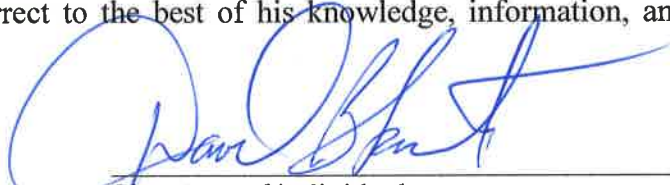
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David B. Spacht  
Artesian Water Company, Inc.  
Chief Financial Officer & Treasurer

**AFFIDAVIT**


STATE OF DELAWARE )  
 ) SS  
COUNTY OF NEW CASTLE )

On this 20<sup>th</sup> day of April, 2016, personally came before me, the subscriber, a Notary Public in and for the state and county aforesaid, David B. Spacht, the CFO and Treasurer of Artesian Water Company, Inc. known to me personally to be such or having presented to me satisfactory evidence of identity, and acknowledged this document to be his act and deed and the act and deed of such corporation, that the signature of such individual is in his own proper handwriting, and that the facts set forth in this application are true and correct to the best of his knowledge, information, and belief.

  
\_\_\_\_\_  
Signature of individual

DAVID B SPACHT  
\_\_\_\_\_  
Printed Name

**SIGNED AND SWORN (OR AFFIRMED)** before me on this 20<sup>th</sup> day of  
April, 2016

  
\_\_\_\_\_  
Signature of Delaware Notarial Officer  
NOTARY PUBLIC  
\_\_\_\_\_  
Title (e.g., Notary Public)



My Commission Expires:

March 14, 2020

# EXHIBIT A

## Artesian Water Company Water Service Petition

We the undersigned, request to be included in the water service territory of Artesian Water Company, Inc. for the following property in Sussex County, Delaware.

**Parcel Nos.:** 234-10.00-133.00

**Property Description:** Misc A/C Sussex County, Falcon Crest, Lot 1

**Property Owner(s):** Schwartz, Dana J

Signature: Dana J. Schwartz Title: ms. Date: 3/11/16

Printed: Dana J. Schwartz

Address: 20749 Beaver Dam Rd Telephone 302-945-7511  
Harbeson, DE 19951 410-459-4301

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Printed: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone \_\_\_\_\_

I UNDERSTAND THAT BY SIGNING THIS PETITION MY PROPERTY MAY HAVE TO REMAIN IN ARTESIAN WATER COMPANY, INC'S SERVICE TERRITORY PERMANENTLY. I ALSO UNDERSTAND THAT IT MAY AFFECT MY ABILITY TO OBTAIN A PERMIT FOR A NEW WELL.

IF YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS, PLEASE CONTACT THE PUBLIC SERVICE COMMISSION AT (302) 736-7500 (in Delaware, call 800-282-8574).

Return to  
Artesian Water Company, Inc.  
664 Churchmans Road  
Newark, DE 19702  
Attn: Lauri A. Major

# Sussex County, Delaware - Zoning and Sales Information

## PROPERTY DETAILS

- [General Information](#)
  - [Appraisal & Assessment Info](#)
  - [Sales Info](#)
  - [Map of Property](#)
- 

## General Information

**District-Map-Parcel:**

2-34 10.00 133.00

**Owner(s) Names:**

SCHWARTZ , DANA J

**Property Legal Description:**

FALCON CREST

LOT 1

**Billing Address:**

20749 BEAVER DAM RD

HARBESON , DE 19951

**Land Use:**

Residential, Single dwelling & lot

**Zoning:**

Agricultural/Residential

**Town/Municipality:**

-No Town or Municipality Specified-

**Fire District(s):**

Indian River Fire District

**Tax Ditch(es):**

-No Ditch Records-

**Sewer/Water****District:**

-No Sewer Records-

**Watershed:**

CHINCOTEAGUE



# **EXHIBIT B**



100 YEARS OF SUPERIOR SERVICE

664 Churchmans Road, Newark, Delaware 19702  
P.O. Box 15004, Wilmington, Delaware 19850

Mr. William J. Petillo  
C/O Ridge Realty Properties, LLC  
6 Robert Court  
Chadds Ford, PA 19317

ENCLOSED IS IMPORTANT  
INFORMATION FROM THE PUBLIC  
SERVICE COMMISSION THAT  
AFFECTS YOUR RIGHTS REGARDING  
WATER SERVICE

## **YOU SHOULD READ THIS NOTICE CAREFULLY**

Public records list you as a landowner of the property with the following tax map parcel identification number(s): 234-10.00-133.00.

Within thirty-five (35) days, Artesian Water Company, Inc. plans to file an application with the Delaware Public Service Commission requesting a Certificate of Public Convenience and Necessity (Certificate) to provide water service to a new territory described as Sussex 031616. Water service can be provided by an existing water main on Beaver Dam Road. Artesian Water Company, Inc. has included your property in the territory it intends to serve. Artesian Water Company, Inc. is able provide water service to Sussex 031616 immediately.

**IF YOU DO NOT TAKE ANY ACTION NOW, YOU MAY LOSE YOUR CHOICE OF WHO CAN PROVIDE WATER SERVICE TO YOUR PROPERTY AND WHETHER YOU CAN OBTAIN A WELL PERMIT.**

- 1) You may choose to be included in the utility's proposed service territory. If you signed a petition for water service asking to be included in the utility's proposed service territory, or, if you did not sign a petition for water service but want to be included, you do not have to take any action.
- 2) You have the right to "opt-out" of the utility's proposed service territory. If you "opt-out", your property will not be included in the utility's service territory. You can do this even though others in Sussex 031616 might desire water service from the utility. You should understand that being included in a utility's service territory does not mean that public water service will be immediately available to your property or that, when available, you will be required to hook-up to the public water system. However, if your property is included in the utility's water service territory, and later the water from the well providing your drinking water cannot be used, the Department of Natural Resources and Environmental Control might deny you a permit for a new well if public water is available to your property. On the other hand, if you elect to "opt-out" of the utility's service territory, but later change your mind and decide to connect to the utility's public water system, you could be charged additional fees.
- 3) You may object to the Public Service Commission granting a Certificate for Sussex 031616. For example, you may object that the water utility does not have the legal right to serve the territory. You should review the law about what a utility must provide in order to obtain a Certificate (contact the Public Service Commission to obtain a copy of the law). If you file such an objection, you will need to tell the Public Service Commission why the utility should not receive the Certificate. Please note that an objection will not remove your property from a proposed service territory. To remove your property from the service territory, you must request to "opt-out."

Attached to this letter is a form which allows you (and other owners of the property) to exercise your options. You have seventy-five (75) days from your receipt of this notice to file your objection with the Commission. Although you may exercise your right to "opt-out" of the utility's service territory at any time before the Certificate is granted, if you choose to opt-out, it is requested that you complete the form and return it to the Public Service Commission at the address listed below within seventy-five (75) days from the date you receive this notice:

Delaware Public Service Commission 861 Silver Lake Boulevard  
Cannon Building, Suite 100  
Dover, Delaware 19904

If you want to "opt-out" or object, you must send the completed form to the Public Service Commission, even if you already informed the utility of your intent to "opt-out" or object.

If you have any questions, comments or concerns, please contact the Public Service Commission at (302) 736-7500 (in Delaware, call 800-282-8574).

## PROPERTY OWNER OPT-OUT/OBJECT FORM

Delaware Public Service Commission  
861 Silver Lake Boulevard  
Cannon Building, Suite 100  
Dover, Delaware 19904

Dear Delaware Public Service Commission:

I/We are the recorded property owner(s), according to current tax records, for the following property/properties: 234-10.00-133.00

We received a notice from Artesian Water Company, Inc. that it plans to file an application with the Delaware Public Service Commission for a Certificate of Public Convenience and Necessity (Certificate) to provide water service to a proposed service territory described by Artesian Water Company, Inc. as Sussex 031616 (hereafter, "Proposed Service Territory").

\_\_\_\_\_ As permitted by applicable law, I hereby opt-out of Artesian Water Company, Inc.'s proposed service territory. I understand that by opting out of the Proposed Service Territory, I may be charged additional fees if I later change my mind and choose to be included in the Proposed Service Territory and receive water service from Artesian Water Company, Inc.

\_\_\_\_\_ I hereby object to the Artesian Water Company, Inc.'s application for the Certificate of Public Convenience and Necessity. I understand that by objecting to the Artesian Water Company, Inc.'s application I am not merely objecting to being included in the Proposed Service Territory (in which case, I may merely opt out as permitted by electing to opt out above), but rather am objecting to the Commission authorizing Artesian Water Company, Inc. to provide water service to *any territory* within the Proposed Service Territory, including, but not limited to, my own property. The basis of my objection is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Owner(s):      *[Property Owner Name]* \_\_\_\_\_  
   *[Property Owner Address]* \_\_\_\_\_  
   \_\_\_\_\_

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



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Tracking Number: 9171969009350126364151



Delivered

Updated Delivery Day: Friday, March 18, 2016

## Product &amp; Tracking Information

Postal Product:  
First-Class Mail®Features:  
Certified Mail™

## Available Actions

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
March 21, 2016 , 9:39 am	Delivered	HARBESON, DE 19951

Your item was delivered at 9:39 am on March 21, 2016 in HARBESON, DE 19951.

March 18, 2016 , 2:05 pm	Notice Left (No Authorized Recipient Available)	GEORGETOWN, DE 19947
March 18, 2016 , 8:08 am	Arrived at Unit	GEORGETOWN, DE 19947
March 17, 2016	Pre-Shipment Info Sent to USPS	

## Track Another Package

Tracking (or receipt) number

Track It

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# **EXHIBIT C**



ARTESIAN WATER COMPANY, INC.

Schwartz

Proposed Parcel Included in CPCN Application

PARCEL ID	OWNER NAME	MAILING ADDRESS				PROPERTY ADDRESS
234-10.00-133.00	Dana Schwartz	STREET	CITY	STATE	ZIP	
		20749 Beaver Dam Rd	Harbeson	DE	19951	20749 Beaver Dam Rd, Harbeson, DE



TP\_234100013300.mxd

Existing AWC CPCN

**Tax Parcel - 234-10.00-133.00**



# **EXHIBIT D**

### **Certification of Landowner Information Accuracy**

I certify that I received appropriate tax or land documents which verify that the individuals in this Application are either landowners of record or agents authorized to act on behalf of entities that control the parcel(s) included in this CPCN Application. I certify that the petitions to provide water service to parcel(s) noted in this Application have been signed by landowners or by dually authorized agents.



David L. Valcarengi